

1 BILL NO. R-86-10-26

2 DECLARATORY RESOLUTION NO. R-76-86

3 A DECLARATORY RESOLUTION designating
4 an "Economic Revitalization Area"
5 under I.C. 6-1.1-12.1 for property
6 commonly known as 3426 Wells Street,
7 Fort Wayne, Indiana. (EDY's Grand
8 Ice Cream, Petitioner).

9 WHEREAS, Petitioner has duly filed its petition dated
10 October 18, 1986, to have the following described property
11 designated and declared an "Economic Revitalization Area" under
12 Division 6, Article II, Chapter 2 of the Municipal Code of the
13 City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-
14 12.1, to-wit:

15 Romys Out Lot Blk B, N 400 Ft. Sec 26;
16 said property more commonly known as 3426 Wells Street, Fort
17 Wayne, Indiana;

18 WHEREAS, it appears that said petition should be pro-
19 cessed to final determination in accordance with the provisions
20 of said Division 6.

21 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
22 OF THE CITY OF FORT WAYNE, INDIANA:

23 SECTION 1. That, subject to the requirements of Section
24 4, below, the property hereinabove described is hereby designated
25 and declared an "Economic Revitalization Area" under I.C. 6-1.1-
26 12.1. Said designation shall begin upon the effective date of
27 the Confirming Resolution referred to in Section 3 of this Resolu-
28 tion and shall continue for one (1) year thereafter. Said desig-
29 nation shall terminate at the end of that one-year period.

30 SECTION 2. That upon adoption of this Resolution:

31 (a) Said Resolution shall be filed with the Allen
32 County Assessor;

(b) Said Resolution shall be referred to the Committee
on Finance and shall also be referred to the De-

partment of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";

(c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;

(d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

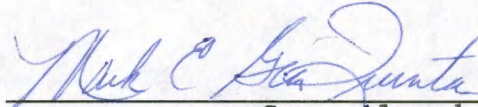
SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of both real estate and personal property for new manufacturing equipment.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

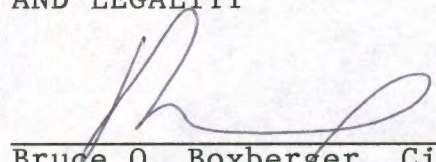
SECTION 5. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

1 Page Three

2 SECTION 6. That this Resolution shall be in full force
3 and effect from and after its passage and any and all necessary
4 approval by the Mayor.

5
6 
7 Councilmember

8 APPROVED AS TO FORM
9 AND LEGALITY

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11 Bruce O. Boxberger, City Attorney
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Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Jim Stier, seconded by Jim Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8	_____	_____	1	_____
BRADBURY	✓	_____	_____	_____	_____
BURNS	✓	_____	_____	_____	_____
EISBART	✓	_____	_____	_____	_____
GiaQUINTA	✓	_____	_____	_____	_____
HENRY	✓	_____	_____	_____	_____
REDD	✓	_____	_____	_____	_____
SCHMIDT	✓	_____	_____	_____	_____
STIER	✓	_____	_____	_____	_____
TALARICO	_____	_____	_____	✓	_____

DATE: 10-28-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~) (~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. B-76-86 on the 28th day of October, 1986,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1986, at the hour of 11:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 31 day of October, 1986, at the hour of 4⁰⁰ o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

SUMMARY SHEET & ECONOMIC DEVELOPMENT RECOMMENDATION
FOR
"ECONOMIC REVITALIZATION AREA"
IN
CITY OF FORT WAYNE, INDIANA

Name of Applicant: EDY's Grand Ice Cream

Site Location: 3426 Wells Street, Fort Wayne, In. 46808

Councilmanic District: 3rd Existing Zoning: M-2

Nature of Business: The manufacture and storage of premium ice cream.

Project is located in the following:

	<u>Yes</u>	<u>No</u>
Designated Downtown Area	<u> </u>	<u>X</u>
Urban Enterprise Zone	<u> </u>	<u>X</u>
Redevelopment Area	<u> </u>	<u>X</u>
Platted Industrial Park	<u> </u>	<u>X</u>
Flood Plain	<u> </u>	<u>X</u>

Description of Project:

Complete renovation of the building, new cold storage floor as well as
expansion of the cold storage warehouse, complete new electrical system,
new refrigeration system, full asbestos removal, re-paving of
parking lots and landscaping of entire facility. All new manufacturing Equipment.

Type of Tax Abatement: Real Property X Manufacturing Equipment X

Estimated Project Cost: \$ 10,200,000.00 Permanent Jobs Created: 100

STAFF RECOMMENDATION:

As stated per the established policy of the Division of Economic Development, the following recommendations are hereby made:

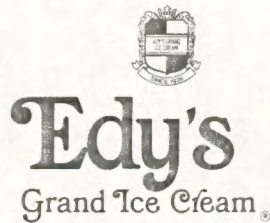
- 1.) Designation as an "Economic Revitalization Area" should be granted. X Yes No
- 2.) Designation should be limited to a term of 1 year(s).
- 3.) The period of deduction should be limited to 10 year(s).

Comments:

The structure on the property was specially designed and constructed as an ice cream production facility and could not have been used for any other purpose. The long vacancy period had resulted in substantial deterioration of the structure to the point where only a major and costly renovation project could have put the property back in normal use.

Staff James Partin
Date 10-22-86

Director Thomas Latchem
Date



RECEIVED
OCT 16 1985
ECONOMIC
DEVELOPMENT

3426 Wells Street • Fort Wayne, Indiana 46808 • Telephone (219) 483-3102 • Since 1928

October 14, 1986

James Partin
Business Development Specialist
Department of Economic Development
Room 840 - City/County Building
One Main Street
Fort Wayne, IN 46802

Dear Mr. Partin:

Enclosed is a completed "Application to the City of Fort Wayne, Indiana for Designation of Property As An 'Economic Revitalization Area' as requested by your office. This filing requires some explanation which I will detail for you at this time.

During the first quarter of the calendar year 1985, Edy's Grand Ice Cream was preparing to make a final determination on the location of our Midwest plan. Certain commitments were made to Edy's at that time as explained in a March 5, 1985 letter from Kathy Moses, Assistant Director, Department of Economic Development, to Paul Woodland, Vice President, Finance and Administration, Edy's/Dreyer's Grand Ice Cream. Let me quote points #2 and #3 in that letter:

2. & 3. Tax Abatement (See attached forms)

City Council must declare your property as an "Economic Revitalization Area" which will then make you eligible for a 5 year partial abatement on newly installed manufacturing equipment and a 10 year partial abatement on improvements to real estate. Appropriate forms must then be completed with the Allen County Auditor before March 1, 1986. There should be absolutely no problem here and City Council will approve your designation in April.

Through oversight on the part of Edy's Grand Ice Cream, the Application for Designation of Property as an Economic Revitalization Area was never completed and filed with the Economic Development Department, therefore, the City Council never approved the designation. In 1986, I filed two forms with the Allen County Auditor along with the March 1, 1986 property tax returns:

1. Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas (State Form 18379)
2. Application for Deduction from Assessed Valuation - New Manufacturing Equipment in Economic Revitalization Area (State Form 19358R2)



Edy's
Grand Ice Cream.

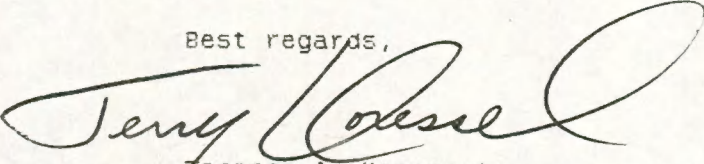
I filed these forms with the belief that a resolution had already been passed by the City Council granting Edy's the designation

Mr. Dan Turner from the State Board of Tax Commissioners office requested from me a copy of the City Council resolution. I contacted Kathy Moses and learned at that time that Edy's had not filed the application and that no resolution has been passed. She advised me to file the application with the Economic Development Department and her replacement at the Department would work with us to determine if the effective date of the tax abatement could remain the same given the late filing and resolution approval. This is where the situation remains at this point.

Enclosed along with this application is a copy of the Form 11 (Legal Description of the Property) as well as a \$50 check required by your department. I will keep in close contact with you on this matter. If you need any additional information, please do not hesitate to contact me at (219) 483-3102.

Thank you very much for help and cooperation in this matter.

Best regards,



Terence A. Koressel
Plant Controller
Edy's Grand Ice Cream

AN APPLICATION TO
THE CITY OF FORT WAYNE, INDIANA
FOR DESIGNATION OF PROPERTY AS AN
"ECONOMIC REVITALIZATION AREA"

RECEIVED

OCT 16 1986

ECONOMIC
DEVELOPMENT

APPLICATION FOR THE FOLLOWING TYPE OF PROPERTY:

_____ Real Estate Improvements
_____ Personal Property (New Manufacturing Equipment)
 X Both Real Estate Improvements & Personal Property

A. GENERAL INFORMATION

Applicant's Name: Edy's Grand Ice Cream

Address of Applicant's Principle Place of Business:

Corporate offices - Edy's Grand Ice Cream

8600 W. Bryn Mawr, Suite 220-N

Chicago, IL 60631

Phone Number of Applicant: (219) 483-3102

Street Address of Property Seeking Designation:

3426 Wells Street

Fort Wayne, Indiana 46808

S.I.C. Code of Substantial User of Property: 2020

B. PROJECT SUMMARY INFORMATION:

	<u>YES</u>	<u>NO</u>
Is the project site solely within the city limits of the City of Fort Wayne	<u> X </u>	<u> — </u>
Is the project site within the flood plain?	<u> — </u>	<u> X </u>
Is the project site within the rivergreenway area?	<u> — </u>	<u> X </u>
Is the project site within a Redevelopment Area?	<u> — </u>	<u> X </u>
Is the project site within a platted industrial park?	<u> — </u>	<u> X </u>
Is the project site within the designated downtown area?	<u> — </u>	<u> X </u>
Is the project site within the Urban Enterprise Zone?	<u> — </u>	<u> X </u>
Will the project have ready access to City Water?	<u> X </u>	<u> — </u>
Will the project have ready access to City Sewer?	<u> X </u>	<u> — </u>
Is any adverse environmental impact anticipated by reason of operation of the proposed project?	<u> — </u>	<u> X </u>

C. ZONING INFORMATION

What is the existing zoning classification on the project site? M-2

What zoning classification does the project require? M-2

What is the nature of the business to be conducted at the project site?
The manufacture and temporary storage of premium ice cream.

D. Real Estate Abatement:

Complete this section of the application only if in future will request a deduction from assessed value for real estate improvements.

What structure(s) (if any) are currently on the property?

One structure housing a dry storage warehouse, cold storage warehouse, production area, loading dock and offices.

What is the condition of structure(s) listed above? Poor*

Current assessed value of Real Estate:

Land	<u>40,230</u>
Improvements	<u>166,300</u>
Total	<u>206,530</u>

What was amount of Total Property Taxes owed during the immediate past year? \$16,097.72 for year 1984. (Paid in 1985)

Give a brief description of the proposed improvements to be made to the real estate.

Complete renovation of the building, new cold storage floor as well as expansion of the cold storage warehouse, complete new electrical system, new refrigeration system, full asbestos removal, re-paving of parking lots and landscaping of entire facility.

Cost of Improvements: \$ 2.8 million

Development Time Frame:

When will physical aspects of improvements begin? September 1985

When is completion expected? March 1986

E. PERSONAL PROPERTY ABATEMENT:

Complete this section of the application only if in future will request a deduction from assessed value for installation of new manufacturing equipment.

Current Assessed Value of Personal Property: Unknown

* Prior to renovation.

What was amount of Personal Property Taxes owed during the immediate past year? Unknown for year 19__.

Give a brief description of new manufacturing equipment to be installed at the project site.

Entire new refrigeration system and mechanical system (compressors, boilers, etc.), new processing equipment, "Blast" freezer (2) or hardening systems, racking for dry and cold storage, lab equipment, maintenance equipment, office equipment, sanitation equipment.

Cost of New Manufacturing Equipment? \$ 7.4 million

Development Time Frame:

When will installation begin of new manufacturing equipment? Sept. 1985

When is installation expected to be completed? March 1986

F. PUBLIC BENEFIT INFORMATION:

How many permanent jobs currently are employed by the applicant in Allen County? 0*

How many permanent jobs will be created as a result of this project?
Approximately 100

Anticipated time frame for reaching employment level stated above?
2.5 years

What is the nature of those jobs?

Trained ice cream production and warehousing positions.

Undesirability of Normal Development:

What evidence can be provided that the property on which the project is located "has become undesirable for, or impossible of, normal development and occupancy because of lack of age, development, cessation of growth, deterioration of improvements or character of occupancy, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development or property or use of property"?

The structure on the property was specially designed and constructed as an ice cream production facility and could not have been used for any other purpose. The long vacancy period had resulted in substantial deterioration of the structure to the point where only a major and costly renovation project could have put the property back in normal use.

In what Township is project site located? Washington

In what Taxing District is project site located? Washington

* As of March, 1985

G. CONTACT PERSON:

Name & Address of Contact Person for further information if required:

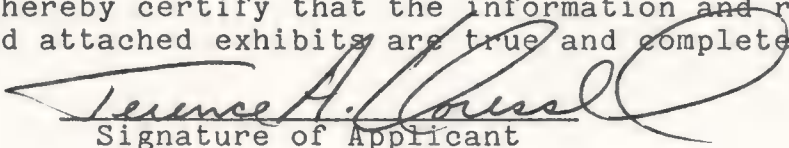
Terence A. Koressel

3426 Wells Street

Fort Wayne, Indiana 46808

Phone Number of Contact Person (219) 483-3102

I hereby certify that the information and representation on this Application and attached exhibits are true and complete.


Signature of Applicant

6-14-86
Date

EXHIBITS:

The following exhibits must be attached to the application for it to be considered complete:

1. Legal Description of Property
2. Check for application fee of \$50.00 to be made payable to City of Fort Wayne.
3. Owners Certificate (if applicant is not the owner of property to be designated).

"ECONOMIC REVITALIZATION AREA"
PROCEDURE
FORT WAYNE, INDIANA

Applicant receives an application for designation
of property as an "Economic Revitalization Area"

Application is completed and filed in office of
Division of Economic Development; along with
application fee

Application is reviewed
and Economic Development
recommendation is prepared

Law office prepares resolution
to designate area and a resolu-
tion to confirm designation

Both resolutions are introduced
to City Council

Resolution to confirm
designation is sent
to Committee on Finance

Resolution to
designate area is
approved

Applicant presents project to
Committee on Finance

City Council holds a public hearing

City Council votes on Resolution
to confirm designation

Applicant files for deduction of
assessed value with County Auditor

County Auditor requests City Council
to recommend period of deduction

Law office prepares Resolution for
Entitled Deduction

Resolution is introduced to
City Council and placed
into Finance Committee

Applicant gives update report of
project to Committee on Finance

City Council votes on Resolution
for Entitled Deduction

Certified copy of Resolution
is sent to County Auditor

NOTICE OF ASSESSMENT OF REAL ESTATE AND IMPROVEMENTS

EDY'S GRAND ICE CREAM
5259 COLLEGE AVENUE
OAKLAND, CA 94618

The Assessors are required to send this notice to the taxpayer whenever a change is made in assessments, including additional improvements.

ARE HEREBY NOTIFIED THAT THE LAND AND * IMPROVEMENTS LISTED IN YOUR NAME IN 80 WASHINGTON TOWNSHIP CORPORATION
ALLEN COUNTY, HAS BEEN ASSESSED BY ME IN THE AMOUNT IN THE STATEMENT BELOW FOR THE YEAR 19 86
YOU DO NOT AGREE WITH THE ACTION OF THE ASSESSING OFFICER GIVING THIS NOTICE, THE COUNTY BOARD OF REVIEW WILL REVIEW THAT ACTION IF YOU FILE A PETITION
WITH THE COUNTY AUDITOR OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED WITHIN THIRTY (30) DAYS OF THE DATE OF THIS NOTICE.

DESCRIPTION	ACRES	VALUE OF LAND - LOTS	VALUE OF * IMPROVEMENTS	VALUE OF ADDITIONAL * IMPROVEMENTS	TOTAL VALUE OF LAND - LOTS AND * IMPROVEMENTS
80-3791-0030 ROMYS OUT LOT BLK B N 400 FT SEC 26 REMODEL COMPLETE RECALCULATED AS PER USAGE DELETED ECONOMIC & PHYSICAL OBSOL. - LAND & IMPROVEMENTS ELIGIBLE FOR HOMESTEAD EXEMPTION R - LAND & IMPROVEMENTS NOT ELIGIBLE FOR HOMESTEAD EXEMPTION		40,200NR	127,300NR		167,500

PROVEMENTS DESCRIBE ALL BUILDINGS, STRUCTURES OR APPURTENANCES AFFIXED TO LAND.

LESS MY HAND THIS 18 DAY OF APRIL 19 86

Frances J. Hoback
TOWNSHIP ASSESSOR

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Declaratory Resolution

Q-86-10-36

DEPARTMENT REQUESTING ORDINANCE Economic Development

SYNOPSIS OF ORDINANCE A Declaratory Resolution designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3426 Wells Street, Fort Wayne, Indiana. (EDY's Grand Ice Cream, Petitioner).

EFFECT OF PASSAGE Complete renovation of the building, new cold storage floor as well as expansion of the cold storage warehouse, complete new electrical system, new refrigeration system, full asbestos removal, re-paving of parking lots and landscaping of entire facility, plus all new manufacturing equipment, creating new jobs within the community.

EFFECT OF NON-PASSAGE Opposite of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$10,200,000.00

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. R-86-10-36

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (~~ORDINANCE~~) (RESOLUTION) designating an "Economic
Revitalization Area" under I.C. 6-1.1-12.1 for property commonly
known as 3436 Wells Street, Fort Wayne, Indiana (EDY's Grand
Ice Cream, Petitioner)

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (~~ORDINANCE~~)
(RESOLUTION) _____

YES

NO

Mark E. GiaQuinta MARK E. GIAQUINTA
CHAIRMAN

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Paul M. Burns PAUL M. BURNS

Janet G. Bradbury JANET G. BRADBURY

James S. Stier JAMES S. STIER

CONCURRED IN 10-28-86

SANDRA E. KENNEDY
CITY CLERK